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Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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00-71218 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 112: Elimination of racism and racial discrimination (*continued*) (A/C.3/55/L.26 and A/C.3/55/L.27)

Introduction of draft resolutions A/C.3/55/L.26 and A/C.3/55/L.27

1. **Mr. Musa** (Nigeria), introducing the two draft resolutions on behalf of the Group of 77 and China, said that draft resolution A/C.3/55/L.26 entitled "Measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance", updated resolutions from previous sessions and incorporated elements from the related report of the Special Rapporteur of the Commission on Human Rights as well as resolutions of the Commission on Human Rights; lengthy consultations on the draft resolution had culminated in a delicately balanced text. Draft resolution A/C.3/55/L.27, entitled "Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance", welcomed the coordination role to be played by the Office of the United Nations High Commissioner for Human Rights and requested, inter alia, that all necessary assistance be provided to ensure the participation of the developing countries. He hoped that the two draft resolutions would be adopted by consensus.

Agenda item 114: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/55/L.29)

Introduction of draft resolution A/C.3/55/L.29

2. **Ms. Monroy** (Mexico), introduced draft resolution A/C.3/55/L.29, entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families", on behalf of the original sponsors and Bolivia, Nicaragua and Sri Lanka. She hoped that the draft, which updated resolutions adopted on that issue by the Committee at previous sessions, would be adopted by consensus.

Agenda item 105: Crime prevention and criminal justice (*continued*) (A/C.3/55/L.8/Rev.1)

Action on draft resolution A/C.3/55/L.8/Rev.1

3. **Mr. Davison** (United States of America) announced that Argentina, Armenia, Bosnia and Herzegovina, Costa Rica, Croatia, Kenya, Latvia, Liechtenstein, Lithuania, Malta, the Republic of Korea, the Republic of Moldova, South Africa, Sri Lanka, Thailand, The former Yugoslav Republic of Macedonia and Uruguay had become sponsors of draft resolution A/C.3/55/L.8/Rev.1, entitled "Combating the criminal misuse of information technologies".

4. **The Chairperson** announced that the Dominican Republic, Madagascar and the Marshall Islands had also become sponsors of the draft resolution; the latter had no programme budget implications.

5. **Mr. Campuzano** (Mexico) said, with regard to the third preambular paragraph, that the United Nations Commission on Crime Prevention and Criminal Justice should endeavour to promote greater awareness of the importance of a problem that was developing and expanding extremely rapidly and of the need to take global measures to deal with it; Mexico was prepared to promote follow-up to that matter in the Commission.

6. **Mr. Lewis** (Antigua and Barbuda) said that the countries members of the Caribbean Community (CARICOM) were concerned at the fact that the Group of Eight had not involved other countries in the processes referred to in the last preambular paragraph, and wondered whether paragraph 1 (a) would not enable more powerful countries to exert their influence on small developing countries in the same way that globalization restricted the latter countries' right — a right enjoyed by more powerful countries — to act as they chose. He also had reservations regarding paragraphs 1 (f) and 1 (g). While he did not wish to oppose consensus, he reserved the CARICOM Governments' right to consider the matter at length, make whatever observations they considered relevant and express their opinion on the basis of equity and bearing in mind the interests of global society.

7. *Draft resolution A/C.3/55/L.8/Rev.1 was adopted.*

8. **Ms. Russell** (Barbados) and **Mr. Leslie** (Belize) said that they associated themselves with the statement made by the representative of Antigua and Barbuda.

Agenda item 108: Implementation of the outcome of the Fourth World Conference on Women and of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" (*continued*) (A/C.3/55/L.28)

Draft resolution A/C.3/55/L.28

9. **Ms. Paterson** (New Zealand), Vice-Chairperson, reporting on the informal consultations which she had coordinated, introduced a draft resolution entitled "Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly" (A/C.3/55/L.28), which had no programme budget implications. In that draft resolution, inter alia, Member States reaffirmed the commitments they had made at the twenty-third special session of the General Assembly; the resolution would provide a framework for future work.

10. In order to bring the draft resolution into line with the text submitted to the Secretariat, she made various corrections. At the end of the title, the following footnote should be inserted: "The outcome of the twenty-third special session, entitled 'Women 2000: gender equality, development and peace for the twenty-first century', is contained in chapter III of document A/S-23/10/Rev.1 and comprises the 'Political declaration' and 'Further actions and initiatives to implement the Beijing Declaration and Platform for Action'".

11. In the second preambular paragraph and paragraph 1, the words "Political declaration" and "Further actions and initiatives to implement the Beijing Declaration and Platform for Action" should be placed in quotation marks. In the English text, the word "in" should be deleted from the second line of paragraph 10.

12. **Ms. Durán** (Venezuela) drew the Secretariat's attention to a mistake in the Spanish version.

13. *Draft resolution A/C.3/55/L.28, as orally revised, was adopted.*

Agenda item 110: Promotion and protection of the rights of children (*continued*) (A/C.3/55/L.17)

Draft resolution A/C.3/55/L.17 (continued)

14. **Ms. de Wet** (Namibia) said that, in addition to the sponsors mentioned in the draft resolution and those added when it had been introduced, Algeria, Armenia, Australia, Azerbaijan, Bolivia, Brazil, Hungary, Israel, Kyrgyzstan, Madagascar, Malaysia, Malta, Mongolia, Poland and the Republic of Moldova had become sponsors of the draft resolution.

15. **The Chairperson** announced that Antigua and Barbuda, Belarus, Burkina Faso, Cambodia, Colombia, the Congo, Côte d'Ivoire, Eritrea, Japan, the Niger, Panama, Suriname, Togo, Tunisia and Uzbekistan had also become sponsors of the draft resolution, which had no programme budget implications.

16. *Draft resolution A/C.3/55/L.17 was adopted.*

Agenda item 111: Programme of activities of the International Decade of the World's Indigenous People (*continued*) (A/C.3/55/L.19)

Draft resolution A/C.3/55/L.19

17. **Ms. Newell** (Secretary of the Committee) said that, in paragraph 7 (e) of the English version of the draft resolution entitled "International Decade of the World's Indigenous People" (A/C.3/55/L.19), the word "developing" should be replaced by "elaborating".

18. **Ms. Miskowiak** (Denmark) announced that Germany, Ireland, Italy, Paraguay and the Russian Federation had become sponsors of the draft resolution.

19. **The Chairperson** said that the Dominican Republic had also become a sponsor of the draft resolution, which had no programme budget implications. If she heard no objection, she would take it that the Committee wished to adopt the draft resolution, as orally revised, without a vote.

20. *Draft resolution A/C.3/55/L.19, as orally revised, was adopted.*

21. **Ms. Rodríguez** (Guatemala) said that her Government attached great importance to the International Decade of the World's Indigenous People and considered that one of the primary objectives of the Decade was the establishment of the Permanent Forum on Indigenous Issues mentioned in paragraph 6

of the draft resolution just adopted. Guatemala had sponsored the draft resolution, although it was not fully satisfied with the wording thereof, because it considered that greater emphasis should be placed on the Permanent Forum, which should be established as soon as possible and before the end of the Decade. She urged the international community to take the necessary measures promptly.

Agenda item 112: Elimination of racism and racial discrimination (*continued*) (A/C.3/55/L.24)

Draft resolution A/C.3/55/L.24

22. **Mr. El Khadraoui** (Belgium) announced that Bangladesh, Cape Verde, Guatemala, Israel, Lesotho, Mongolia, New Zealand, Norway, Pakistan, the Republic of Korea, the Republic of Moldova, the Solomon Islands and Togo had become sponsors of the draft resolution entitled "International Convention on the Elimination of All Forms of Racial Discrimination" (A/C.3/55/L.24).

23. **The Chairperson** informed the Committee that the draft resolution had no programme budget implications and that Antigua and Barbuda, Belarus, Benin, Burkina Faso, the Congo, the Dominican Republic, Fiji, Liberia, Madagascar, the Marshall Islands, Monaco, Panama and San Marino had also become sponsors. If she heard no objection, she would take it that the Committee wished to adopt the draft resolution without a vote.

24. *Draft resolution A/C.33/55/L.24 was adopted.*

25. **Mr. Davison** (United States of America), speaking in explanation of position, said that his country shared the goals of the International Convention on the Elimination of All Forms of Racial Discrimination, was working to combat racism and had been one of the first States to set up an inter-agency task force to prepare for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. His delegation had therefore joined the consensus on the draft resolution but regretted that it had been unable to sponsor it because it considered that every State had the sovereign right to determine which treaties it would sign and ratify and what reservations it would formulate. Thus, resolutions must call on States to consider ratifying a given treaty rather than imposing an obligation to do so.

26. Furthermore, his delegation was troubled by the wording of the draft resolution with respect to reservations. It would have been preferable to use the formulation contained in article 19 of the Vienna Convention on the Law of Treaties rather than a different wording. Under international law, a State could not formulate a reservation that was expressly prohibited by the treaty itself or was incompatible with its purpose. His Government interpreted the provision on reservations in draft resolution A/C.3/55/L.24 as equivalent to that of article 19 of the Vienna Convention.

Agenda item 113: Right of peoples to self-determination (*continued*) (A/C.3/55/L.22 and A/C.3/55/L.23)

Draft resolution A/C.3/55/L.22

27. **Mr. Bhatti** (Pakistan) said that Yemen should be deleted from the list of sponsors of the draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/55/L.22) and that Bahrain, Djibouti, Ethiopia and the Niger should be added thereto.

28. **The Chairperson** said that the draft resolution had no programme budget implications, and announced that Armenia, the Comoros, the Democratic Republic of the Congo, the Dominican Republic, Kenya, Liberia and Nigeria had also become sponsors.

29. **Ms. Ayuso** (Argentina) said, with regard to draft resolution A/C.3/55/22, that her Government supported the rights of peoples under colonial, foreign or alien occupation, in accordance with the provisions of General Assembly resolutions 1514 (XV) and 2625 (XXV). However, the exercise of those rights must not undermine, in any way, the national unity or territorial integrity of a sovereign State.

30. **The Chairperson** said that, if she heard no objection, she would take it that the Committee wished to adopt draft resolution A/C.3/55/L.22 without a vote.

31. *Draft resolution A/C.3/55/L.22 was adopted.*

Draft resolution A/C.3/55/L.23

32. **Ms. Armas García** (Cuba) announced that El Salvador, Madagascar and Pakistan had become sponsors of the draft resolution entitled "Use of mercenaries as a means of violating human rights and

impeding the exercise of the right of peoples to self-determination" (A/C.3/55/L.23).

33. **The Chairperson** announced that draft resolution A/C.3/55/L.23 had no programme budget implications and that the Comoros and the Dominican Republic had also become sponsors.

34. *A recorded vote was taken on draft resolution A/C.3/55/L.23.*

In favour:

Algeria, Argentina, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Qatar, Russian Federation, Saint Lucia, Samoa, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zimbabwe, Zambia

Against:

Belgium, Canada, Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Japan, Luxembourg, Netherlands, Norway, Poland, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Andorra, Antigua and Barbuda, Australia, Austria, Croatia, Cyprus, Estonia, Former Yugoslav Republic of Macedonia, France, Georgia, Greece, Ireland, Italy, Kazakhstan, Kenya, Latvia, Liechtenstein, Lithuania, Malta, Marshall Islands, Monaco, New Zealand, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Sierra Leone, Slovakia, Slovenia, Spain, Turkey and Ukraine.

35. *Draft resolution A/C.3/55/L.23 was adopted by 92 votes to 16 with 33 abstentions.*

36. **Ms. Todorova** (Bulgaria) said that since Bulgaria had associated its position with that of the European Union, it should have abstained as the country holding the Presidency of the European Union had done.

37. **Ms. Morales** (Philippines) said that her delegation had voted in favour of the draft resolution, but the vote had not been registered.

38. **Mr. Monod-Gayraud** (France), speaking on behalf of the European Union and the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that the European Union shared many of the concerns expressed by the Special Rapporteur in his report on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/55/334) and, in particular, the effect of the activities on the duration and nature of armed conflict, and condemned without reservation the participation of mercenaries in terrorist acts.

39. However, as in previous years, the members of the European Union had been unable to support the draft resolution on the use of mercenaries that had been submitted to the Committee. Unfortunately, there had been no consultations at which the European Union could have explained its position. In the opinion of the European Union, the Third Committee was not the most appropriate forum in which to deal with the activities of mercenaries since that was not an issue that should be treated as a human rights problem or a threat to the right of peoples to self-determination. Furthermore, it was not even clear that the link between the activities of mercenaries and terrorism fell within the Committee's mandate. The European Union was of the view that the question should be considered in the Sixth Committee and was opposed to the recommendation, contained in the draft resolution, that the Commission on Human Rights should renew the mandate of the Special Rapporteur at its next session. At the same time, the European Union would continue to participate actively in the dialogue on ways of combating the activities of mercenaries.

Agenda item 114: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/55/177, A/55/213 and Add.1 and 2, A/55/214 and Add.1, A/55/275 and Add.1, A/55/279, A/55/280 and Add.1 and 2, A/55/283, A/55/288, A/55/289, A/55/291, A/55/292, A/55/296 and Add.1, A/55/302, A/55/306, A/55/328, A/55/342, A/55/360, A/55/395-S/2000/880, A/55/404-S/2000/889, A/55/408; and A/C.3/55/2)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/55/269, A/55/282-S/2000/788 and Corr.1, A/55/294, A/55/318, A/55/335, A/55/346, A/55/358, A/55/359, A/55/363, A/55/374, A/55/400, A/55/403 and A/55/426-S/2000/913)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/55/36 and A/55/438-S/2000/931)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/55/36)

40. **Mr. Niehaus** (Costa Rica) said that his Government condemned any violation of human rights, murder for political, religious or ethnic motives, displacement of populations, rape, abduction, torture or other violation of fundamental freedoms. It was working to promote human rights at the national and international levels and would not cease its efforts until respect for human rights became part of the policy and practice of all countries. It therefore rejected any initiative to reduce or restrict the obligations incumbent on United Nations Member States in the field of human rights.

41. His Government was particularly concerned at violations of the right to life and was therefore opposed to capital punishment, euthanasia and abortion. Costa Rica had abolished the death penalty over 130 years previously and urged all States which still imposed it to abolish it rapidly.

42. The right to development was vital for the enjoyment of social, cultural and economic rights. Extreme poverty created conditions that encouraged the violation of some civil and political rights, while economic prosperity promoted the full enjoyment of such rights. The international community must fight for the eradication of poverty and the promotion of sustainable development, and take measures to ensure the satisfaction of such basic needs as food, housing, drinking water, education, training, employment and health care as part of a comprehensive strategy to provide a decent life for all.

43. His delegation considered Costa Rica's recent election to a post on the Commission on Human Rights an honour and it would resolutely discharge its duties in that regard. He expressed the hope that the international community would take a firm position on the issue of human rights and would take concrete action thereon once and for all.

44. **Mr. Valdivieso** (Colombia) said that, despite the progress achieved in the adoption of human rights standards and the establishment of an international court for the prosecution of serious crimes, the biggest challenge facing Governments was in ensuring that such standards became a part of human behaviour and served as the bases and guidelines of social interaction and ethics. Some countries had more difficulties than others in achieving that goal. Such was the case, in particular, of countries emerging from prolonged dictatorships; those that were affected by armed conflicts and had large numbers of refugees and internally displaced persons; those going through difficult economic situations as a result of adverse market conditions, heavy external debt burdens or globalization; those that frequently faced the major ills currently afflicting humankind, such as the drug problem, health epidemics or environmental degradation.

45. Nevertheless, in order to promote universally recognized human rights and protect fundamental freedoms, it was necessary to establish democratic and transparent institutions, create favourable economic conditions for social development and address the modern problems that threatened the well-being of the population. Above all, there should be a firm undertaking to provide safeguards for the exercise of people's rights. In such process, attention needed to be paid to the extent of social problems facing a country, how determined the country was in overcoming them, whether attempts were being made to preserve democracy or suppress it. In other words, the particular

circumstances and situation of each country should be specified.

46. His Government's policy of fulfilling its commitments to its own citizens and the international community in the area of human rights, notwithstanding the climate of armed conflict in the country and the adverse economic conditions that affected some sectors of the population, was carried out in three different ways. First, it encouraged the promotion, respect and protection of human rights and the application of international humanitarian law; second, it worked together with representatives of the international community, especially the Office of the High Commissioner for Human Rights, which had established an office in Bogota at the request of Colombia; third, it implemented the ambitious Plan Colombia, which responded to the hope of achieving peace and reconciliation among Colombians through the country's economic and social recovery, negotiations on the armed conflict, the fight against drug trafficking and the strengthening of national institutions.

47. In his view, the hope of achieving peace not only in Colombia but also in many other parts of the world, was based on respect of human rights. Colombia would continue to participate actively in the different bodies of the United Nations that promoted the cause of peace, human rights and international humanitarian law in the world. It would continue its involvement, together with other countries and civil society organizations, in improving criteria for guaranteeing the enjoyment of the human rights of all persons.

48. **Ms. Hastaie** (Islamic Republic of Iran) said that the issue of cultural diversity and human rights might be analysed from different perspectives within different disciplines and value systems. The notion might be viewed by some as yet another version of the current polemical discourse on cultural relativism vis-à-vis universalism and could even be labelled as a fallacy to justify violations or an attempt to erode universality of human rights. She hoped that further studies would be carried out on the issue of cultural diversity and human rights in order to build a solid basis at the United Nations for a global vision of a true and broad-based universal system in that field, particularly with respect to the implementation of human rights in all regions.

49. At the international level, globalization — its nature, definition and different consequences — constituted the most important issue, since it presupposed a normative link between global cultural interactions and globalization as the mainstream of current international relations. The issue of cultural diversity was part of the broader concept and process of globalization, bearing in mind the fact that cultural relationships were not restricted to territorial boundaries or to state actors and that no state or entity was unaffected by activities outside its direct control. On the other hand, globalization was a form of institutionalization of the two-fold process involving the universalization of particularism and the particularization of universalism.

50. Those trends jeopardized cultural identities in all regions and carried the potential threat of assimilating cultural entities across the globe. Such threat became more serious when new information services were used to stereotype certain cultures, religions or value systems.

51. Her Government endeavoured to explore avenues to effectively remedy the apparent inequality of cultural opportunities at the international level that resulted from globalization. The Islamic Republic of Iran called on all its partners to recognize and promote the need to maintain cultural diversity as an asset in an increasingly interconnected world vis-à-vis perceptions and processes that might enhance intolerance and the assimilation of cultural identities, further eroding the universality of human rights. That end could be attained through, among others, securing equal opportunities for various disciplines and value systems in the international community and relevant international bodies.

52. The idea of human rights was not derived from any particular culture or tradition, be it "western" or "Islamic" in its geographical sense, or from any other tradition in the world. It flowed from the intrinsic dignity of the human being. That idea had developed through the history of different religions and philosophical, political and cultural transformations. Throughout history, the aspirations of peoples, their cultural and religious beliefs, struggles for emancipation and against injustice and discrimination, and their humanitarian motives had constituted the fundamental basis for a universal approach to human rights.

53. There was a need to develop a new analytical approach to the nature and the different aspects of the

issue of cultural diversity and undertake collective endeavours to shape the new international order to achieve the goals and objectives of the Charter of the United Nations. In that regard, it should be noted that the analysis of the Secretary-General in his recent report on human rights and cultural diversity (A/55/296) lacked a review of the major considerations elaborated in General Assembly resolution 54/140. Therefore, the Secretary-General should make the effort to bring the orientation and scope of his next reports in line with the key thesis of the resolution.

54. **Mr. Caldas de Moura** (Brazil), speaking on behalf of the member countries of the Southern Cone Common Market (MERCOSUR) as well as Bolivia and Chile, said that the commitment of the MERCOSUR countries to democracy and the rule of law, as well as to the protection of all human rights and fundamental freedoms, was part of their permanent political identity. Efforts towards economic and trade integration could only make sense within the framework of the respect for democratic institutions. The Heads of State of MERCOSUR and Bolivia and Chile had signed in 1998 the Ushuaia Protocol on democratic commitment, which gave a binding character to a principle established in previous statements. The Protocol, also known as the MERCOSUR democratic clause, provided that functioning democratic institutions constituted an essential precondition for the development of the integration process among the Parties, and that a breakdown in the democratic order in a State Party would trigger a process of consultations with the State concerned. That instrument was a tangible and real sign of the efforts undertaken by the Governments and civil societies of the member countries with a view to ensuring a democratic environment, which was fundamental to achieving development and prosperity.

55. The MERCOSUR member States and associated States deemed it necessary to underscore the importance of the basic principles of the Vienna Declaration and Programme of Action: the promotion and protection of all human rights as a legitimate concern of the international community; the universal, indivisible and interdependent nature of human rights; the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms; democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing concepts; while development facilitated the enjoyment of all human rights, the lack of development might not be invoked to justify the abridgement of internationally recognized human rights.

56. Bearing in mind those principles, the MERCOSUR countries were convinced of the importance of strengthening the human rights mechanisms of the United Nations. As proof of the interest of MERCOSUR in that regard, the draft resolution on the strengthening of the rule of law had been circulated in the course of the year as a joint initiative of those countries. At the same time, the Millennium Declaration affirmed the objectives of promoting democracy, strengthening the rule of law and respecting human rights and fundamental freedoms. The support and cooperation provided by the United Nations should be added to efforts deployed at the national and regional levels in that regard. That was the way to usher in an era of effective implementation of the commitments undertaken over the previous 50 years in the field of human rights.

57. **Mr. Paran** (Israel) said that, under the auspices of the National AIDS Committee, the Ministry of Health of Israel had established a governmental committee to ensure that HIV/AIDS and human rights activities were integrated into the Committee's programmes. The two main objectives of Israel's National AIDS programme were to prevent HIV infection and to reduce the personal and social impact of HIV infection. The programme also fought discrimination and promoted the human rights of all people living with HIV/AIDS.

58. Proper medical care was guaranteed to all persons with HIV in Israel, who enjoyed the benefits of the national health insurance system. Eight AIDS centres in major metropolitan areas were responsible for diagnosing, treating and providing anti-retroviral therapy for people affected with HIV and following up on such cases.

59. Action had been taken to reduce the social and economic consequences of HIV infection, including legislative measures to protect the rights of people with HIV with regard to medical confidentiality, employment and school attendance. Israel was a multilingual society where the three major monotheistic religions were represented by various levels of religious conservatism, which was why Israel

was implementing several HIV/AIDS prevention initiatives specifically designed to address the needs of the cultural and religious backgrounds of the target groups. Israel was sharing its experience with developing countries in various ways, mainly through the Center of International Cooperation of the Ministry of Foreign Affairs.

60. **Mr. Ouch** (Cambodia) said that, following the political and military collapse of the Khmer Rouge in 1966, bringing the curtain down on more than two decades of war and injustice, Cambodia was currently experiencing a period of hope. The Government's highest priority was consolidating peace, stability and national reconciliation. Peace was a sine qua non for development and justice. However, national reconstruction, the establishment of democratic pluralism and the rule of law were necessarily slow processes. That was also the understanding of the international donor community, which had pledged more assistance to Cambodia at the 2000 Paris Consultative Group meeting for Cambodia than it had requested.

61. Convinced that while democracy and human rights were essential values they should nevertheless be in harmony with the cultural and economic particularities of States, and in the sincere wish to develop fruitful cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva, his Government was currently working with that Office on the draft of a memorandum of understanding aimed at improving cooperation between the two on the basis of mutual respect, including respect for the sovereignty and integrity of the Kingdom of Cambodia. Under its original mandate, OHCHR was primarily engaged in technical cooperation activities. However, in practice, both OHCHR and its Office in Cambodia had exceeded their mandate and their oversight responsibilities by coordinating negotiations and imposing protective measures in various specific cases with total impunity. Furthermore, the Chief of the Office in Cambodia had always demonstrated her prejudices against the Government and people of Cambodia. Her biased attitude and tendency to exaggerate had been reflected in the Office's reports, which were reproduced in the report of the Secretary-General (A/55/291) and had been used to prepare the draft resolution. Cambodia sincerely wished to cooperate with the United Nations but, as a sovereign country, it refused to tolerate comments such as those made by the Chief of the country Office and considered that the Office of the High Commissioner in Geneva should undertake internal reform measures.

62. Since the 1993 elections, that biased attitude, together with the opposition party's opportunism and the media's thirst for sensationalism, had created a situation in which accusations and allegations concerning impunity, extrajudicial executions and politically motivated violence were often made without basis in substantiated facts. The Cambodian people had succeeded in resisting those attacks and, in the 1998 elections — which international observers had declared to be fair and free — had decided to elect candidates who were genuinely concerned for the country's well-being and future. Nevertheless, many of the false accusations made by the opposition and the media continued to be put forward. In that regard, his delegation categorically rejected some provisions which had again been presented in the current year's draft resolution because it considered them to be outdated and no longer true.

63. In reply to the accusations of the Cambodian Government's involvement in impunity and interference with the work of the courts, he stressed that on the contrary, his Government had made great efforts to ensure that past violations were investigated and that the alleged culprits were brought to justice; many of them had been tried and convicted in accordance with Cambodian law. Cambodia was a State under the rule of law and there was a clear separation between the legislative, executive and judicial branches; however, the Government was responsible for maintaining public order and had therefore ordered the re-arrest of some criminals who had been illegally released.

64. With respect to the allegations of discrimination against ethnic and religious minorities in Cambodia, anyone who had visited that country recently would have observed the cultural and religious freedom enjoyed by all ethnic groups. In the specific case of the ethnic Vietnamese, which had been mentioned in the report, some opposition politicians sought every opportunity to foment trouble; those same politicians received support, protection and encouragement from OHCHR. However, the truth was that the Government had protected the rights of all minorities, including the Vietnamese, against the actions of those racist opposition politicians.

65. Both the Non-Aligned Movement and the Group of 77 and China had clearly stated that humanitarian intervention, a concept vigorously touted in certain quarters of the United Nations, must be clearly distinguished from other activities of the Organization. Such intervention should be conducted with full respect for the sovereignty, territorial integrity and political independence of the countries concerned. It was obvious that human rights intervention should be guided by the same norms as humanitarian intervention. His delegation sincerely hoped that the concepts of humanitarian intervention and human rights intervention would be applied justly, equitably and universally and would not be subject to the whims and arbitrariness of certain influential Powers within the Organization. His Government welcomed the international community's assistance in its efforts to promote economic development and eradicate poverty in Cambodia; however, such cooperation must be carried out in a spirit of mutual respect and, specifically, with respect for the sovereignty and integrity of Cambodia.

66. **Ms. Afifi** (Morocco) said that her Government welcomed the fact that the Millennium Summit had provided all States with an opportunity to reaffirm their commitment to respecting and promoting the implementation of international human rights instruments. On that occasion, Morocco had signed the two optional protocols to the Convention on the Rights of the Child and the Statute of the International Criminal Court. Her delegation hoped that the Organization's goal of achieving universal ratification of those instruments and of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families before the end of 2003 would be achieved and was encouraged by the fact that increasing numbers of States were signing, ratifying or becoming parties to those instruments.

67. The United Nations human rights treaty system had made admirable progress. However, the implementation of those international instruments in practice and the effective functioning of the treaty bodies continued to face various obstacles. Her Government had noted with interest the efforts made in that regard by the chairpersons of the committees and by the independent expert on enhancing the long-term effectiveness of the system and urged them to continue to consider that matter at the upcoming periodic meetings and, in particular, at the meeting to be held with representatives of Member States.

68. Her Government's determination to promote human rights had prompted it to amend its Constitution to declare that the Kingdom of Morocco embraced the principles, rights and obligations deriving from the charters of international organizations and to reaffirm its support for universally recognized human rights. Morocco had spared no effort in fulfilling its obligation to submit periodic reports by the prescribed deadlines to the monitoring committees of those international human rights instruments to which it was a party. Since his succession to the throne in July 1999, King Mohammed VI had taken a number of major initiatives with a view to reaffirming Morocco's commitment to respect for human rights and individual and collective freedoms within the framework of the rule of law, and his Government's political will to resolve humanitarian problems through the promotion of solidarity and generosity.

69. Attesting to that commitment was Morocco's adoption of a number of practical measures, including the consolidation of national mechanisms for the protection of human rights through a stronger role for the Advisory Council on Human Rights; the establishment of an independent arbitration body responsible for compensating those persons who had been victims of human rights abuses or, where appropriate, their family members; the rehabilitation of the files of persons who had been detained for political reasons or union activity and their reinstatement in their previous posts; the adaptation and harmonization of national legislation to international norms and other commitments assumed by Morocco; reform of the codes with regard to the press, the establishment of associations and the organization of public demonstrations; the adoption of a new prison law and the creation of a prison watchdog group with the aim of ensuring the participation of civil society in programmes for the reintegration of prisoners in society.

70. However, the establishment of a legal framework for the protection of human rights should be accompanied by educational measures, at both the national and international levels, in order to inculcate respect for human rights. To that end, Morocco had established, in cooperation with UNESCO, university chairs in human rights and the culture of peace. Within the framework of the human rights decade, his

Government had elaborated a national human rights education programme which had become effective in 2000. The programme would be complemented by the implementation of a parallel project for the promotion of human rights through the media.

71. Other measures which had helped to promote an attitude of respect for human rights had been the organization, in April 2000, by the Advisory Council on Human Rights and the Office of the United Nations High Commissioner for Human Rights, of the fifth international seminar for national agencies for the promotion and protection of human rights and the establishment, in Rabat, in cooperation with the Office of the High Commissioner and UNDP, of a regional centre housing reference materials and providing human rights training and information. The Centre had been officially opened in April, in the presence of the High Commissioner, to whom her delegation wished to pay tribute for her efforts.

72. **Ms. Popescu** (Romania) said that the protection of human rights was closely linked to democracy, development, security, peace and stability, to which Romania attached particular importance. One of the goals of her Government's programme for the period 2001-2004 was to consolidate respect for citizens' rights, social justice and social cohesion, scrupulously taking into account the principle of equal opportunities for men and women. In addition, as a State party to the core international and European human rights treaties, Romania had made every effort to modernize its laws and institutions. She also wished to highlight the country's activities in that field as a member of the Council of Europe and within the context of its preparations for joining the European Union. Noteworthy among the legislative measures adopted by her Government was the new Law on Education which, inter alia, permitted all types of instruction, at all levels, to be given in the languages of various national minority groups, and the establishment of multicultural universities. She also wished to highlight the Government Ordinances relating to the expedited restitution of real estate to national and religious minority groups. Draft amendments to the Criminal Code pertaining to, inter alia, greater freedom of expression and the introduction of penalties against domestic violence had been submitted to the national Parliament. The Law on Paternal Leave, aimed at promoting the sharing of responsibilities in the family and society, had entered into force in December 1999, and a draft Law on Equal Opportunities for Women and Men was currently being debated in Parliament.

73. With regard to the rights of the child, a new comprehensive strategy on the protection of children had been adopted for the period 2000-2003. The strategy, which focused special attention on extremely needy and socially marginalized children, had been elaborated in cooperation with government and local authorities, non-governmental organizations and relevant international partners. She was pleased to announce that, at the Millennium Summit, Romania had signed the Optional Protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict and the Optional Protocol related to the sale of children, child prostitution and child pornography, as well as the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

74. In the context of preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Romania had made steady efforts to build up and strengthen a multicultural, tolerant and democratic society, including the adoption of an ordinance on the prevention and punishment of all forms of discrimination and, in accordance with that ordinance, the creation of a National Council against Discrimination. At the regional level, it was participating actively in a cooperation initiative, the Stability Pact for South-Eastern Europe, the purpose of which was to renew regional identity on the basis of respect for human rights, the rule of law, good governance, accountability and strengthened civil society. Romania had coordinated the drafting of a regional non-governmental organizations charter aimed at strengthening partnership between Governments and civil society in south-eastern Europe; it would also host the extraordinary session of the Stability Pact on the admission of the Federal Republic of Yugoslavia to that structure in light of the movement towards democracy in that country.

75. Lastly, she recalled Romania's proposal to introduce a draft resolution entitled "Promoting and consolidating democracy" during the current session of the Committee under agenda item 114 (b) and invited all delegations to participate in the preparation of the draft resolution and to support its adoption.

76. **Mr. Al-Rubaie** (Iraq), speaking in exercise of the right of reply, said that it was his understanding that at the previous meeting, the representative of Kuwait had stated that there were 650 Kuwaiti prisoners in Iraq and had urged Iraq to cooperate with the Special Rapporteur with a view to their release. In accordance with Security Council resolution 686 (1991), the civilians and prisoners of war who had been detained had returned to their countries under the auspices of the International Committee of the Red Cross (ICRC). When the agreement on the so-called modified plan of action had been signed, Iraq had begun to address the problem of missing persons in order to determine their whereabouts and to learn what had happened to them. That document included measures concerning the gathering of information on missing persons and the manner in which each case should be dealt with. In 1994, as a consequence of the investigations carried out by the Tripartite Commission and the technical subcommittee, 29 of the 627 cases of Kuwaitis and persons of other nationality that had been submitted by Kuwait in 1992 and 1993 had been closed and the number of missing persons (not prisoners) had been reduced to 598. There could be no progress towards a solution to that problem if the Kuwaiti Government insisted on referring to the missing persons as prisoners; there was a high price for exploiting that issue for purposes of political propaganda, since it prolonged both the vain hopes and the suffering of the missing persons' families.

77. **Mr. Al Saidi** (Kuwait), speaking in exercise of the right of reply, said that at the end of the Iraqi occupation, numerous official documents had been left behind in Kuwait; among them had been orders for the detention of Kuwaiti prisoners of war, including the 605 (not 650) mentioned at the previous meeting, who were currently in Iraq. He referred to Security Council resolutions and to official ICRC documents and, in particular, noted that in 1994, after Iraq had denied the prisoners' existence, the remains of one of them, Mohamed Al-Mutehri (No. 515), had been returned, thereby corroborating Kuwait's claim concerning the remainder of those cases. If Iraq did not wish to politicize the question, it should demonstrate its goodwill by freeing the prisoners, providing ICRC with the information requested by the Iraqi Red Cross and resuming its cooperation with the Tripartite Commission and the technical subcommittee. The issue was a purely humanitarian one. The embargo and sanctions imposed on Iraq were matters within the Security Council's competence, and Iraq should comply with the provisions of the Council's resolutions.

78. **Mr. Mekdad** (Syrian Arab Republic), speaking in exercise of the right of reply, referred to the statement made at the previous meeting by the representative of France on behalf of the European Union under agenda item 114. He welcomed the ties of friendship that united his country with the countries of the European Union and the dialogue established through the partnership agreement concluded at the Barcelona Conference. His Government's wish was to further strengthen its relations with the European Union on a bilateral basis.

79. The Syrian Arab Republic had always considered that human rights must take precedence over political considerations of any kind and that international cooperation must be increased in order to find the best way of achieving the implementation of, and universal respect for, those rights. He trusted that human rights violations were not committed in the European Union, since that would be a great boon to all mankind. However, no country was free of such violations and, specifically, certain members of the European Union should exercise greater vigilance within their own borders and make greater efforts to promote respect for human rights at the national level.

80. The civil, economic, political and social rights of citizens were enshrined in his country's legislation and Constitution, and those rights were also respected in practice. The Syrian Arab Republic was a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and submitted the relevant reports on their implementation. It had seven political parties which operated freely and were represented in the Council of Ministers and in the legislature. Thus, the European Union's criticisms were unfounded.

81. **Mr. Musa** (Nigeria), speaking in exercise of the right of reply, referred to the statement made by the representative of France on behalf of the European Union. He thanked the European Union for its concern at the situation of human rights in Nigeria and explained that Nigeria was and always would be a secular State. It was true that the Shariah was applicable in some of the country's states, but the issue was being dealt with through democratic mechanisms and processes. The current Government respected the

rule of law and due process and was working to promote human rights and fundamental freedoms.

82. **Mr. Shalhoub** (Saudi Arabia), speaking in exercise of the right of reply, referred to the statement made by France on behalf of the European Union. He regretted that, at a time when an effort was being made to strengthen dialogue between all nations, the European Union had decided to set itself up as a judge of other countries, using its own criteria and ignoring the fact that some societies were based on values that differed from those of the Western world. The European Union had adopted a critical position without trying to understand the specificity of each country or the meaning of the Shariah. If such an attitude persisted, it would only result in misunderstandings and disagreements.

83. Saudi Arabia applied the Shariah, which embodied the highest ethical values and human rights and did not permit their violation. Saudi Arabia had always promoted human rights at both the national and international levels and, for that reason, had wished to become a member of the Commission on Human Rights. Moreover, it had already acceded to several relevant international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, and was in the process of acceding to others.

84. The European Union maintained that freedom of expression did not exist in Saudi Arabia. That accusation was false and showed that the European Union was ignorant of Islamic culture. Saudi Arabia was a cohesive society in which freedom of expression was guaranteed. Religious freedom was also guaranteed and the Government did not interfere in the private lives of individuals if they did not violate the country's laws. It was logical that foreigners living in Saudi Arabia should be required to respect local laws and values. Many Muslim immigrants living in the European Union had to submit to laws relating to property, work and marriage, among other matters, that were contrary to the Shariah. In the European Union there were laws and practices which Saudi Arabia considered inappropriate and pernicious, but it did not set itself up as a judge to condemn them. In conclusion, he reiterated that the European Union's accusations were biased and based on prejudices and that they constituted interference in the internal affairs of a sovereign State.

85. **Ms. Olea** (Congo), speaking in exercise of the right of reply, said that she was pleased that the European Union had been able to observe an improvement in the human rights situation in the Congo since the signature of the ceasefire and cessation of hostilities agreements between the Government and the rebel factions, with international mediation. The Congo was not opposed to light being shed on the issue of missing persons; it merely asked that the process should be comprehensive and should take into consideration the persons who had disappeared in the three armed conflicts that had taken place in the Congo since 1993, the year in which the first war crime had been committed. When large-calibre weapons were used against towns, it was impossible to avoid casualties. When the rebel militia had abandoned Brazzaville in December 1998, it had taken men, women and children into the woods, under extremely difficult conditions, without any protection. In such circumstances, the number of missing persons was evidently high.

86. She reaffirmed the continued willingness to achieve national reconciliation, consolidate peace, reconstruct the ravaged country and reinitiate the democratic process which the Congolese authorities had expressed on many occasions. In the draft Constitution to be submitted to the interim parliament during the first half of 2001, peace continued to be the main priority of the President of the Republic. The Government of the Congo would spare no effort to continue to improve the situation, while it asked the international community to support its efforts to consolidate peace in the country.

87. **Mr. Al-Rubaie** (Iraq), speaking in exercise of the right of reply for the second time, said that what the representative of Kuwait has declared in his last statement was not true. The case of Mr. Al-Mutehri had been submitted to the Tripartite Commission under the auspices of the International Committee of the Red Cross (ICRC) and his mortal remains had been returned to Kuwait. Mr. Al-Mutehri had been buried near the border between Iraq and Kuwait in 1998. Since it was a humanitarian issue, it fell within the competence of ICRC and not of the alliance of countries that had launched a destructive act of aggression against Iraq. The question of missing persons did not concern the alliance, which was only trying to obtain political advantages. Iraq had always been willing to study the cases of those who had disappeared and, to that end, a

climate of cooperation was necessary. The matter of the missing persons should be considered in the context of bilateral cooperation under the auspices of ICRC, which could provide all the necessary technical and logistical assistance for the investigations. That was demonstrated by the case of the Saudi Arabian pilot, when the involvement of ICRC had made it possible to identify the place where he had been buried in the border zone between Iraq and Saudi Arabia.

88. **Mr. Al Saidi** (Kuwait), replying to the representative of Iraq, confirmed that Kuwait would open its prisons and detention centres to the special rapporteurs and to ICRC, provided that it did so within the framework of ICRC mechanisms and standards. He asked whether Iraq was prepared to open its prisons and detention centres to visits by ICRC and the Tripartite Commission, with which Iraq had signed the Riyadh Agreement, which constituted a legal and moral framework. Kuwait only asked Iraq to release the prisoners. It also insisted on the need to safeguard the region's security and stability and to re-establish cooperation with the Tripartite Commission and the technical subcommittee.

89. **Mr. Mun Jong Chol** (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that the representative of France, speaking on behalf of the European Union, had formulated various accusations against several countries, including the Democratic People's Republic of Korea, on the question of human rights. His country rejected those accusations, as they represented interference in the internal affairs of other countries. Every country had the right to choose its own system and way of life. If the European Union was so interested in resolving the human rights issue, it should adhere to the principle of impartiality with regard to the diversity of cultures and customs and make constructive contributions, instead of trying to impose criteria and values based on anachronistic positions that were characteristic of the cold war.

The meeting rose at 6 p.m.